IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN

THURSDAY, THE 16TH NOVEMBER 2006 / 25TH KARTHIKA 1928

WP(C).No. 36952 of 2004(Y)

PETITIONER:

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1. R.REGHUNATHAN NAIR, NMR OPERATOR,
   KADUTHURUTHY SECTION, KERALA WATER AUTHORITY,
   PIRAVOM DIVISION, ERNAKULAM DISTRICT.

2. V.C.JACOB, NMR PLUMBER, P.H SECTION,
   KERALA WATER AUTHORITY, PALA, KOTTAYAM.

3. K.T.JOY, N.M.R OPERATOR, WATER WORKS
   SECTION NO.II, KERALA WATER AUTHORITY,KOTTAYAM.

4. GEORGE MATHEW, NMR OPERATOR,
   MEDICAL COLLEGE SECTION, KERALA WATER AUTHORITY,
   KOTTAYAM.

5. K.S.RAJAN, NMR OPERATOR, P.H SECTION,
   MANGANAM, KERALA WATER AUTHORITY,
   AYOORKUNNAM, KOTTAYAM.

6. P.R MOHANA KUMAR, NMR OPERATOR,
   P.H SECTION, KERALA WATER AUTHORITY, PONKUNNAM,
   KOTTAYAM.

7. P.K.MOHANAN, NMR OPERATOR, P.H. SECTION,
   KERALA WATER AUTHORITY, PONKUNNAM, KOTTAYAM.

8. P.M.RAVINDRAN NAIR, NMR PLUMBER,
   P.H SECTION, KERALA WATER AUTHORITY,
   PONKUNNAM, KOTTAYAM.

BY ADV. SRI.M.R.GOPALAKRISHNAN NAIR

RESPONDENTS: RESPONDENTS
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1. THE STATE OF KERALA, REPRESENTED BY THE SECRETARY TO THE GOVERNMENT, WATER RESOURCES DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM.

2. THE KERALA WATER AUTHORITY, REPRESEENTED BY ITS MANAGING DIRECTOR, JALA BHAVAN, THIRUVANANTHAPURAM.

BY ADV. SRI.M.V.MATHAI MUTHIRENTHY, SC, KWA
SRI.B.SOMADASAN
SRI.THOMAS MATHEW NELLIMOOTTIL,SC,KWA
SRI.J.KRISHNA KUMAR, SC, KWA

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 16/11/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) 36952/2004

APPENDIX

PETITIONERS' EXHIBITS:

EXT.P1	TRUE COPY OF THE JUDGMENT IN O.P. NO. 1797/1996 DATED 3.8.1998 OF THIS COURT.
EXT.P2	THE TRUE COPY OF TE LATEST REPRESENTATION DATED 28.2.2004 OF THE FOURTH PETITIONER SUBMITTED TO THE SECOND RESPONDENT.
EXT.P3	THE TRUE COPY OF THE LETTER NO. KWA/JB/E3- 11540/2004 DATED 20.9.2004 OF THE SECOND RESPONDENT.

RESPONDENTS' EXHIBITS:

NIL.

// TRUE COPY //

P.S. TO JUDGE.

knc/-

P.R. RAMAN, J.

W.P.© 36952/2004

DATED THIS, THE 16TH DAY OF NOVEMBER, 2006.

J U D G M E N T

Petitioners seek to quash Ext.P3 passed by the Managing Director of the Kerala Water Authority, under date 20.9.2004, which is not a communication issued to them. Ext.P3 is an inter departmental communication from the Chief Engineer, Southern Region, Kerala Water Authority, Thiruvananthapuram. According to the petitioners, they entered service as Casual Labourers in 1982 and subsequently, granting exemption from technical qualification, they were absorbed in the N.M.R. category, in 1984 and now they are working as operators and plumbers under the second respondent. It is their case that an earlier attempt to revert them from the post however could not be implemented since they approached this Court by filing O.P. No. 2130/1991 and connected cases which lead to Ext.P1 judgment, directing the authorities not to revert them based on any interim order passed and further directing to re-promote them. What happened subsequent to Ext.P1 is not discernible either from the facts stated or by

producing any material documents. Be that it may, the only prayer made in this writ petition is to quash Ext.P3 which, as already stated above, is an inter departmental communication. Needless to say that if any action is taken pursuant to Ext.P3, petitioners have to be afforded an opportunity of being heard in which event they can raise their contentions and any order disturbing them from the present position will be made only after hearing them.

In the result, the writ petition is disposed of directing the respondents that before proceeding to revert the petitioners from the existing post, necessarily, they shall be afforded an opportunity of being heard. Petitioners shall produce a copy of this judgment before the concerned authorities for information and compliance.

P.R. RAMAN,
(JUDGE)

knc/-